

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF, the specification of which

_____ is attached hereto.

X was filed on May 25, 1999 as U.S. Application Serial No. 09/318,528 (the "Application") (Docket No. DIVER1370-3).

I hereby authorize and request insertion of the application serial number of the Application when officially known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all

information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the Application:

<u>09/291,931</u> (Application Serial No.)	<u>April 13, 1999</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)
<u>09/259,214</u> (Application Serial No.)	<u>March 1, 1999</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)
<u>08/910,798</u> (Application Serial No.)	<u>August 13, 1997</u> (Filing Date)	<u>Issued (5,876,997)</u> (Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Jay M. Short

Inventor's signature: 

Date: 6/28/99

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Citizenship: USA

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Full name of second inventor: Keith A. Kretz

Inventor's signature: *Keith A. Kretz*

Date: 6-29-00

Residence: San Marcos, CA 92069

Citizenship: USA

Post Office Address: 973 Hawthorne Drive
San Marcos, CA 92069

Gray Cary\GT\6185216.1
104703-990000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Short et al.

Application No.: 09/318,528

Filed: May 25, 1999

For: RECOMBINANT BACTERIAL
PHYTASES AND USES THEREOF

) Group Art Unit: Unassigned

) Examiner: Unassigned

) CERTIFICATION UNDER 37 CFR § 1.8

) I hereby certify that the documents referred to as enclosed herein
) are being deposited with the United States Postal Service as first
) class mail on **January 31, 2000**, in an envelope
) addressed to: Assistant Commissioner for Patents, Washington,
) D.C. 20231

) Name of Person Signing

) Signature

Elizabeth Perez
E Perez

Assistant Commissioner for Patents
Washington, D.C. 20231

REVOCATION OF POWERS OF ATTORNEY;

POWER OF ATTORNEY BY ASSIGNEE; and

CHANGE OF MAILING ADDRESS

Sir:

DIVERSA CORPORATION, the assignee of the entire right, title and interest in the above-identified application, as evidenced by the assignment enclosed herewith, hereby revokes all previous Powers of Attorney and appoints the following attorneys to prosecute the above-identified patent application and to transact all business in the Patent and Trademark Office connected therewith:

TIM ELLIS
LISA A. HAILE
WILLIAM N. HULSEY, III
RICHARD J. IMBRA
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Registration No. 37,643
Registration No. 44,835
Registration No. 31,238
Registration No. 35,255
Registration No. 30,298
Registration No. 41,234
Registration No. 31,192
Registration No. 40,825
Registration No. 38,322
Registration No. 38,626
Registration No. 27,774

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jay M. Short et al.

Parent Application No.: 09/318,528

Parent Filed: May 25, 1999

Filed: February 5, 2001

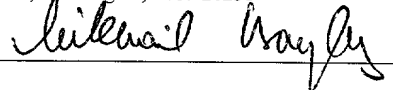
For: RECOMBINANT BACTERIAL
PHYTASES AND USES THEREOF

) Group Art Unit: Unassigned

) Examiner: Unassigned

) "EXPRESS MAIL" Mailing Label Number EL476994149US
) Date of Deposit February 5, 2001

) I hereby certify under 37 CFR 1.10 that this correspondence is
) being deposited with the United States Postal Service as "Express
) Mail Post Office to Addressee" with sufficient postage on the
) date indicated above and is addressed to the Commissioner for
) Patents, Washington, D.C. 20231

) 

) Mikhail Bayley

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

PERMISSION TO USE SEQUENCE LISTING

Sir:

The above-identified patent application lacks a substitute paper copy of the Sequence Listing for inclusion into the Specification, as well as a computer readable form of the Sequence Listing. Applicants respectfully direct the attention of the Office to the following:

1. A complete paper copy of the Sequence Listing is to be inserted following the Abstract on page 88 and before the Drawings. Please insert the Sequence Listing beginning with page 1 and numbering consecutively thereafter. A paper copy of the Sequence Listing is included herewith, and is identical to the computer readable copy of the Sequence Listing filed in U.S. Patent Application Number 09/318,528, filed May 25, 1999.

In Re Application of:
Jay M. Short et al.
Parent Application No. 09/318,528
Parent Filing Date: May 25, 1999
Continuation Filing Date: February 5, 2001
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PATENT
Attorney Docket No.: DIVER1370-6

2. A computer-readable form in this application is identical with that filed in application serial number 09/318,528, which was filed May 25, 1999. Pursuant to 37 CFR §1.821(e), please use the Sequence Listing filed on October 15, 1999. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for application filed herewith.

I hereby state, as required by 37 C.F.R. § 1.821(g), that the enclosed submission includes no new matter. Applicants submit that the foregoing satisfies the requirements of Rule §1.821. If there are any questions regarding this response, the Office is invited to contact the undersigned.

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: 2/5/01



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